

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHUCK C. AMAJIOYI,

Plaintiff,

v.

BIOMARIN PHARMACEUTICAL, INC.,

Defendant.

No. 2:20-cv-2292 KJM DB PS

ORDER TO SHOW CAUSE

Plaintiff Chuck C. Amajioyi is proceeding in this action pro se. This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). Plaintiff commenced this action on November 17, 2020, by filing a complaint and paying the required filing fee. (ECF No. 1.) No defendant has appeared in this action and there has been no activity since January 10, 2022, when plaintiff filed a purported proof of service.<sup>1</sup>

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<sup>1</sup> Plaintiff is advised that Rule 4 of the Federal Rules of Civil Procedure allows for service on a corporation by “following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made.” Fed. R. Civ. P. 4(e)(1). Pursuant to California state law a corporation may be served by “[d]elivery by hand of a copy of any process against the corporation (a) to any natural person designated by it as agent or (b), if a corporate agent has been designated, to any person named in the latest certificate of the corporate agent filed pursuant to Section 1505 at the office of such corporate agent shall constitute valid service on the corporation.” CA. CORP. § 1701. Here, it is not clear that plaintiff served defendant’s agent.

1 In this regard, it appears that plaintiff has failed to prosecute this action. In light of  
2 plaintiff's pro se status, and in the interests of justice, the court will provide plaintiff with an  
3 opportunity to show good cause for plaintiff's conduct.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Plaintiff show cause in writing within fourteen days of the date of this order as to why  
6 this case should not be dismissed for lack of prosecution<sup>2</sup>; and

7 2. Plaintiff is cautioned that the failure to timely comply with this order may result in a  
8 recommendation that this case be dismissed.

9 DATED: April 8, 2022

/s/ DEBORAH BARNES

UNITED STATES MAGISTRATE JUDGE

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27 <sup>2</sup> Alternatively, if plaintiff no longer wishes to pursue this civil action, plaintiff may comply with  
28 this order by filing a request for voluntary dismissal pursuant to Rule 41(a) of the Federal Rules  
of Civil Procedure.